



Republic of the Philippines



CITY OF CAVITE
SANGGUNIANG PANLUNGSOD

AN ORDINANCE DULY APPROVED AND ENACTED BY THE SANGGUNIANG PANLUNGSOD OF CAVITE CITY (BATCH 2022-2025) DURING ITS 19TH REGULAR SESSION HELD ON MAY 8, 2023.

PRESENT:

HON. BENZEN RALEIGH GREPO RUSIT - City Vice-Mayor, Presiding Officer
HON. MARRIAN M. PINZON - City Councilor, President
Protempore
HON. EDUARDO G. NOVERO, JR. - City Councilor, Vice President
Protempore
HON. EDMUND C. TIRONA - City Councilor, Majority Floor
Leader
HON. MAUREEN E. LU - City Councilor, Asst. Majority
Floor Leader
HON. JESUS JET S. BARRERA, II - City Councilor, Minority Floor Leader
HON. AEIGN ZACKREY NASH - City Councilor
VICTORIANO-AGUAS
HON. RENAN L. MONTOYA - City Councilor
HON. FRANKLIN A. NUGUID - City Councilor
HON. MARC LAWRENCE DR. SERRANO - City Councilor
HON. MARK ANTHONY A. AMPARO - City Councilor
HON. AZENITH P. PAREDES - President, Liga ng mga Barangay
(Ex-Officio Member)

ABSENT:

HON. DARYL R. SOLIS - SK Federation President
(Ex-Officio Member)

GENERAL ORDINANCE NO. 2023-3388

AN ORDINANCE BANNING THE USE OF COMPRESSOR AS A BREATHING APPARATUS IN ALL FISHING ACTIVITIES IN THE TERRITORIAL WATERS OF CAVITE CITY, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, dialogues conducted by the National Fisheries and Aquatic Resources Management Council (NFARMC) with the fisher folk representatives revealed that the use of compressor as a breathing apparatus is hazardous to human; These findings is contained in Memorandum Circular No. 2002-129 dated August 12, 2002 signed and issued by former DILG Secretary Jose D. Lina Jr.;

WHEREAS, the findings of NFARMC was corroborated by the Department of Health; a certified report was issued to the effect that the use of compressor as breathing apparatus has resulted to numerous deaths and paralysis;

WHEREAS, the use of compressor as a breathing apparatus in fishing activities has become a usual and common practice by those engaged in fishing activities in the Territorial Water of Cavite City;

WHEREAS, there is an urgent need to ban the use of compressor as a breathing apparatus in order to protect the fishermen using it as such from its hazardous effects;

WHEREAS, RA 7160 otherwise known as the Local Government Code of 1991 mandates Local Government Units to enact policies deemed necessary for the general welfare of the inhabitants and considering that RA 8550, the "Philippine Fisheries Code empowers Local Government Units to exercise jurisdiction over its respective territorial waters, the City Government of Cavite, may enact local policies in order to prevent loss of human lives due to the adverse effects of said fishing practice.

IN VIEW OF THE FOREGOING CONSIDERATIONS, on motion of Sanggunian Member Eduardo G. Novero, Jr. as principal author and co-authored by Sanggunian Member Maureen E. Lu, co-sponsored by Sanggunian Members Mark Anthony A. Amparo and Marc Lawrence DR. Serrano and duly seconded by Sanggunian Members A eign Zackrey Nash Victoriano-Aguas, Edmund C. Tirona, Renan L. Montoya and Marrian M. Pinzon, this Body

RESOLVED, as if is hereby resolved to enact an ordinance banning the use of compressor as breathing apparatus in all fishing activities in the Territorial Waters of Cavite City, and providing penalties for the violation thereof, to read as follows;

Be enacted by the Sangguniang Panlungsod of Cavite City, that:

SECTION 1 - TITLE- This Ordinance shall be known as "An ordinance banning the use of compressor as a breathing apparatus in all fishing activities in the Territorial Waters of Cavite City, and providing penalties for the violation thereof."

SECTION 2 - DECLARATION OF POLICY- It shall be the policy of the City Government of Cavite to promote and protect the health and safety of the fisher folk without undermining their rights and privileges to utilize or use the city's territorial waters.

SECTION 3 - PROHIBITED ACTS –

- a. It is the purpose of this ordinance to penalize any individual and/or group of persons who are engaged in fishing activity, using compressor as a breathing apparatus within the territorial waters of Cavite City.
- b. The discovery of a compressor in a fishing boat/ vessel while engaged in fishing activity shall constitute a prime facie evidence that the fishermen/ occupants of the boat/ vessel will use the same.

SECTION 4 - DEFINITION OF TERMS –

- a. **COMPRESSOR** - refers to a machine that is specially designed to compress gasses; supply air gas at increased pressure.
- b. **COMPROMISE AGREEMENT** - An agreement between the City and a violator, providing the option to pay a fine in lieu of the penalties imposed for the violation.
- c. **FISHER FOLK** - refers to the people directly, personally and physically engaged in taking, culturing and processing fishery and aquatic resources.
- d. **FISHING ACTIVITIES** - the taking of fishery species from their wild state or habitat with or without the use of fishing vessel or boat.
- e. **FISHINGBOAT OR VESSEL** – any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting, one or more vessels in the performance of any activity relating to fishing.
- f. **PARALYSIS** - refers to the loss or impairment of the ability to move resulting from injury to the nerve.
- g. **CULPRIT-** a person who violated a law or an ordinance and is responsible for the commission of a crime.
- h. **TAMBULOG** – a native scallop, species of elongated clam with Kapis shell.
- i. **OYSTER (TALABA)** – is the common name of salt water bivalve molluses that live in a marine habitat.
- j. **GREEN MUSSEL (TAHONG)** – salt water mussel, a species of clam.

SECTION 5 - FORMULATION AND IMPLEMENTATION –

The Philippine National Police- Maritime Command, Local Police, Philippine Coast Guard, and the City Fisheries and Aquatic Resources Management Council (FARMC), Bantay Dagat; and the concerned Barangay Officials are hereby authorized to implement this ordinance. They shall have the power to initiate or file the corresponding complaint against the arrested violator/s.

SECTION 6 – PENALTY –

1st Offence - Penalty of one thousand pesos (P1,000.00) each for the apprehended violators and confiscation of compressor.

2nd Offence - Penalty of two thousand pesos (P2,000.00) each for the apprehended violators and confiscation of compressor.

3rd Offence - Penalty of three thousand pesos (P3,000.00) each for the apprehended violators, confiscation of compressor and imprisonment of not more than ten (10) days upon discretion of the court.

SECTION 7 – COMPROMISE AGREEMENT –

This provision aims to provide an opportunity for violators of this ordinance to enter into a compromise agreement with the City as an alternative to the penalties that may be imposed. The compromise agreement allows violators to pay a fine in lieu of facing the full extent of penalties.

1. The City, at its discretion, may offer a compromise agreement to a violator based on the nature and severity of the violation.
2. The violator must willingly agree to enter into a compromise agreement and pay the designated fine within three (3) days from the execution of the compromise agreement.
3. The terms and conditions of the compromise agreement, including the designated fine amount, payment schedule, and any additional requirements, shall be negotiated between the City and the violator in good faith.
4. The City shall ensure that all payments made under the compromise agreement are properly received and accounted for.
5. Failure to comply with the terms and conditions of the compromise agreement shall result in the immediate enforcement of the original penalties prescribed in this ordinance.
6. The compromise agreement and any negotiations related to it shall remain confidential, except as required by law or court order.

SECTION 8 – SEPARABILITY CLAUSE –

If for any reason any provision of this Ordinance is declared invalid or unconstitutional by the Court, other provisions hereof not affected, thereby shall continue to be in full force and effect.

SECTION 9 – REPEALING CLAUSE –

All City Ordinance or parts thereof inconsistent with the provision of this Ordinance are hereby repealed or modified accordingly.

SECTION 10 – EFFECTIVITY CLAUSE –


This Ordinance shall take effect after all requirements for official posting prescribed in Section 511 of Republic Act 7160 otherwise known as The Local Government Code of 1991 is met.

ENACTED.


I hereby certify that the foregoing ordinance was duly enacted by the Sangguniang Panlungsod of Cavite City during its 19th Regular Session held on May 8, 2023.


LAWRENCE S. CRAWFORD, MGM
Secretary to the Sangguniang Panlungsod

ATTESTED:


BENZEN RALEIGH GREPO RUSIT, MPA
City Vice-Mayor/Presiding Officer
Date Signed: MAY 09 2023

DATE APPROVED: May 24, 2023


DENVER CHRISTOPHER REYES CHUA
City Mayor